

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E
Mtg. Date September 18, 2018
Dept. City Manager

Item Title: Criminal History Information

Staff Contact: Alicia Hicks, Human Resources Manager

Recommendation:

Adopt a resolution (attachment A) approving authorization to access State and Federal Level Summary Criminal History information from Department of Justice (DOJ) and Federal Bureau Investigations (FBI).

Item Summary:

Staff recommends to obtain authorization to access summary criminal history information for the purpose of employment, volunteers, contract employees, adult entertainers, licensing and commercial cannabis operations including cultivation, transportation, and distributing, testing, manufacturing and retail purposes and may not disseminate the information to private entity.

Furthermore, A city cannot hire a person or a volunteer to perform services at a park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over a minor, if that person has been convicted of various offenses specified in [Pub Res C §5164](#). A city must require each such prospective employee or volunteer to complete an application that inquires as to whether that individual has been convicted of any of these specified offenses. The city must screen, under [Pen C §11105.3](#), any such prospective employee or volunteer for that person's criminal background. [Pub Res C §5164](#).

Fiscal Impact:

No Fiscal Impact.

Environmental Review:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Not subject to review
<input type="checkbox"/> Categorical Exemption, Section [] | <input type="checkbox"/> Negative Declaration
<input type="checkbox"/> Mitigated Negative Declaration |
|--|--|

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

A. Resolution.

RESOLUTION NO. 2018-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA
AUTHORIZING THE CITY TO ACCESS STATE AND FEDERAL LEVEL SUMMARY
CRIMINAL HISTORY INFORMATION**

WHEREAS, Penal Code Sections 11105(b) (11) and 13300(b) (11) authorize cities to access state and local summary criminal history information for employment, licensing or certification; and

WHEREAS, Penal Code Sections 11105(b) (11) authorizes cities, to access federal level criminal history information by transmitting fingerprint images and related information the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b) (11) and 13300 (b) (11) require that there be a requirement or exclusion from employment licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b) (11) and 13300(b) (11) require the city to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lemon Grove, California that the City of Lemon Grove is hereby authorized to access summary criminal history information for employment, including volunteers, and contract employees, adult entertainment, licensing and certification of commercial cannabis operations including cultivation, transportation, distributing, testing, manufacturing and retail purposes and may not disseminate the information to a private entity

////
/////